

REMARKS:

Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejections in view of the foregoing amendments and following remarks.

Objection to the Abstract

As an initial matter, Applicants note that the Examiner has objected to the abstract for lacking sufficient description of the invention. Applicants have amended the abstract above, providing additional description of the invention. Written description support for this amendment can be found in the specification as filed at least at p.2, ll. 16-18. No new matter is added. Therefore, this objection should be withdrawn.

Claim Amendments

Claim 11 has been amended to clarify the language. There is written description support for this amendment in the specification as filed at least at p. 1, ll. 44-45, p. 2, ll. 16-18 and p. 5, ll. 10-15. No new matter is added by means of these amendments.

Claim Rejections under 35 USC § 102(b)

The Examiner has rejected claims 11, 13-14, 19, 21, 23 and 27 under 35 USC § 102(b) as being anticipated by Byers (The Influence of Apogee and Its Combination with

Ethephon, Chemical Thinner, Cations, and/or Adjuvants, Proceedings-Plant Growth Regulations Society of America, 2000). Byers is directed to plant growth regulators which reduce the vegetative growth of fruit trees. The Examiner argues that Byers teaches the use of a combination of prohexadione-calcium and ethephon to control tree growth, and further that the combination of these two compounds provide better growth control compared to the growth control provided by the compounds used separately. Applicants traverse.

Byers describes the use of prohexadione-Ca and ethephone for growth control in apple plants. Experiment 2 (page 187, last paragraph) is particularly relevant, where 4 year old Fuji/M.9 trees are either treated with prohexadione-Ca alone (three treatments; each treatment: 63 ppm) or with ethephone alone (three treatments, each treatment 135 ppm) or with prohexadione-Ca in combination with ethephone (three treatments a 63 ppm with prohexadione-Ca and three treatments 135 ppm with ethephone). The results are described on page 188, para. 5. It was determined that neither the treatment with prohexadione-Ca or ethephone alone nor the combined treatment with prohexadione-Ca and ethephone has an influence on flowering (“Flowering and fruit set were not promoted by any of these applications”). Thus Byers definitely does not teach that the combined treatment with prohexadione-Ca and ethephone improves floral development, and thus does not meet inherently the limitation of the preamble of the claim, as expressed by the Examiner. To be more precise, Byers does not describe that prohexadione-a reduces floral development in the year after the treatment and that this

impairment is impeded by the combined treatment with ethephone. Thus, Byers does not anticipate the claimed subject matter, and this rejection should be withdrawn.

Claim Rejections under 35 USC § 103(a)

The Examiner has rejected claims 12, 15-18, 20, 22, 24-26 and 28 under 35 USC § 103(a) as being obvious over Byers (The Influence of Apogee and Its Combination with Ethepron, Chemical Thinner, Cations, and/or Adjuvants, Proceedings-Plant Growth Regulations Society of America, 2000) in view of McCarthy (US Pat. No. 4,361,436), and further in view of Motojima (US Pat. No. 4,560,403). Byers is discussed above. McCarthy and Motojima are both directed to compositions for plant growth regulation. The Examiner argues that Byers teaches all of the limitations of the rejected claims except for the claimed application ratios of the two components and their concentrations. However, the Examiner argues that McCarthy teaches the concentrations and application rates of ethephon and that Motojima teaches the concentrations and application rates of cyclohexane derivatives. The Examiner then argues that one of skill in the art would combine the teachings of Byers, McCarthy and Motojima to arrive at the presently claimed subject matter, and, further, that one of skill in the art would arrive at the presently claimed ratios through routine experimentation. Applicants traverse.

Byers says explicitly that neither prohexadione-Ca alone nor ethephone alone nor a combination of prohexadine-Ca with ethephone promotes flowering (see p. 188, paragraph "Expt. 2"). Thus one of skill in the art wouldn't have had the slightest motivation to try to reverse the negative action of acylcyclohexanediolones on subsequent flowering by ethephone as he simply wouldn't have expected any effect. Therefore, the claimed subject matter is not obvious in view of the cited references, and this rejection should be withdrawn.

In view of the foregoing amendments and discussion, Applicants respectfully submit that the claims of this application are in condition for allowance. Please charge any fees connected with this paper to the Deposit Account 02-2135.

Respectfully submitted,

By /Carolyn L. Greene/
Carolyn L. Greene
Attorney for Applicant
Registration No. 57,784
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040